



MEMORANDUM
MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT
We strive to be caring, professional and fair

To: Development Review Committee

Through: Townsley Schwab, Senior Director of Environmental & Planning Resources *TS*
Mitch Harvey, AICP, Comprehensive Plan Manager *h 15*

From: Kathy Grasser, Comprehensive Planner *K9*

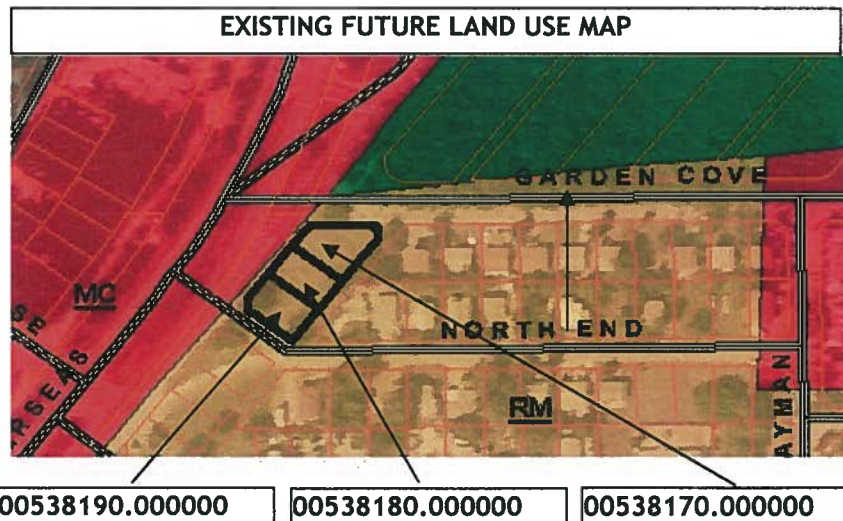
Date: September 25, 2009

Subject: Request for an Amendment to the Land Use District Map for Sievers Marine, Inc, Key Largo, Mile Marker 106, Real Estate Numbers 00538170.000000, 00538180.000000 and 00538190.000000

Meeting: October 19, 2009

I REQUEST

A request by the W. F. McCain & Associates, Inc., for Siever's Marine, Inc., to amend the current Land Use District Map (LUD) designation from Improved Subdivision (IS) to Sub Urban Commercial (SC).



- A. Address: Mile Marker 106, Key Largo, Florida
- B. Legal Description: Block 1, Lots 11, 12 and 13, Ocean Isle Estates, Monroe County, Florida
- C. Real Estate Number(s): 00538170.000000, 00538180.000000 and 00538190.000000
- D. Applicant/Petitioner: William McCain, WF McCain & Associates
- E. Property Owner: Siever's Marine, Inc.

NOTE: On June 2, 2009, the BOCC adopted an ordinance amending a future land use map (FLUM) change on three (3) parcels (RE numbers 00538170.000000, 00538180.000000, and 00538190.000000) from Residential Medium (RM) to Mixed Use / Commercial (MC). The current land use district (LUD) designation of Improved Subdivision (IS) is currently inconsistent with the Mixed Use / Commercial (MC) FLUM designation.

Any use allowed for the proposed land use is considered potential development, not only affordable housing. Affordable housing can be built in designated Monroe County land use districts. While there is a need for affordable housing, the data and the information provided by the applicant does not constitute a changed assumption justifying a map amendment.

The proposed LUD amendment from Improved Subdivision (IS) to Sub Urban / Commercial (SC) does not guarantee future development for the two parcels. Currently, Growth Management does not have any pending applications for development on this property. When or if, Growth Management receives an application, it will be addressed at that time.

II PROCESS

Amendments may be proposed by the Board of County Commissioners (BOCC), the Planning Commission, the Director of Planning, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process map amendment applications as they are received and pass them onto the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The Planning Commission and the BOCC shall each hold at least one public hearing on a proposed amendment. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the BOCC. The BOCC shall consider the report and recommendation of and the testimony given at the public hearings and may either deny the application or adopt a resolution transmitting the proposed amendment to the Florida Department of Community Affairs (DCA). Ordinances are then reviewed by the DCA and returned to Monroe County with objections, recommendations and comments to be considered prior to adoption of the ordinance.

III RELEVANT PRIOR COUNTY ACTIONS

On June 2, 2009, the BOCC adopted Ordinance 2009-17a amending the Future Land Use District Map from Residential Medium (RM) to Mixed Use / Commercial (MC).

On January 26, 2009, the BOCC approved Resolution 001-2009 transmitting an ordinance for adoption to the Department of Community Affairs (DCA). There were no objections, recommendations or comments from the DCA on the proposed FLUM amendment.

On November 18, 2009, the Planning Commission approved Resolution P43-08 recommending approval to the BOCC amending the FLUM from Residential Medium (RM) Mixed Use / Commercial (MC).

BACKGROUND INFORMATION

A. Size of Site:

RE: # 00538170.000000: 8,240 ft²

RE: # 00538180.000000: 6,000 ft²

RE: # 00538190.000000: 7,000 ft²

Total Site Size: 21,240 ft² or ½ acre

B. Current Land Use Map Designation: Improved Subdivision (IS)

Future Land Use Map Designation: Mixed Use / Commercial (MC)

C. Tier Designation: Tier III

D. Flood Zone: X

E. Existing Use:

RE: # 00538170.000000: Undeveloped

RE: # 00538180.000000: Undeveloped

RE: # 00538190.000000: Undeveloped

F. Existing Vegetation / Habitat: Cleared with some vegetation

G. Community Character of Immediate Vicinity:

The applicant's parcels are located at Mile Marker 106. They are located at the split of U.S. 1 and U.S. 905 on the ocean side. Parcels to the north are owned by the State and are not developable. Parcels to the east contain single family residential dwelling units. The Baptist Church, the Atlantic Dive Center and four (4) privately owned vacant parcels are located to the south on U. S. 1. Across U. S. 1 is the Travis Boating Center and private vacant parcels. The Circle K gas station and convenience store are north of the applicant's parcels at the U. S. 1 and U.S. 905 split.

COMMUNITY CHARACTER AERIAL



IV REVIEW OF APPLICATION

A. *Consistency of the proposed amendment with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan:*

The proposed LUD amendment retains the community character and quality of life in the area. The proposed amendment is located in a Tier III area adjacent to the U. S. 1 corridor. Tier III is appropriate for development due to the lack of native habitat patches. The proposed amendment will retain the surrounding natural resources and direct future growth to this area. This is consistent with smart growth initiatives. The proposed Land Use District (LUD) amendment is consistent with the following provisions and intent of the Monroe County Year 2010 Comprehensive Plan.

Goal 101: Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

1 Objective 101.4: Monroe County shall regulate future development and redevelopment
2 to maintain the character of the community and protect the natural resources by providing
3 for the compatible distribution of land uses consistent with the designations shown on the
4 Future Land Use Map.

5
6 Goal 105: Monroe County shall undertake a comprehensive land acquisition program
7 and smart growth initiatives in conjunction with its Livable CommuniKeys Program in a
8 manner that recognizes the finite capacity for new development in the Florida Keys by
9 providing economic and housing opportunities for residents without compromising the
10 biodiversity of the natural environment and the continued ability of the natural and
11 manmade systems to sustain livable communities in the Florida Keys for future
12 generations.

13
14 Objective 105.1: Monroe County shall implement smart growth initiatives in conjunction
15 with its Livable CommuniKeys and Land Acquisition Programs which promote
16 innovative and flexible development processes to preserve the natural environment,
17 maintain and enhance the community character and quality of life, redevelop blighted
18 commercial and residential areas, remove barriers to design concepts, reduce sprawl, and
19 direct future growth to appropriate infill areas.

20
21 B. *Consistency of the proposed amendment with the provisions and intent of Chapter 102 of the*
22 *Monroe County Code, Land Development Regulations:*

23
24 The proposed LUD amendment is consistent with the provisions and intent of the Monroe
25 County Code, Section 130-43 purpose of the Sub Urban Commercial (SC) district:

26
27 The purpose of the SC district is to establish areas for commercial uses designed and
28 intended primarily to serve the needs of the immediate planning area in which they are
29 located. This district should be established at locations convenient and accessible to
30 residential areas without the use of U. S. 1.

31
32 In accordance with MCC Sec. 102-158(d)(5)b., the BOCC may consider the adoption of an
33 ordinance enacting the proposed change based on one (1) or more of the following factors:
34 *changed projections; changed assumptions; data errors; new issues; recognition of a need*
35 *for additional detail or comprehensiveness; and data updates.* There was no applicant
36 response for *data updates.*

37
38 **APPLICANT RESPONSE:**

- 39 i. *Changed projections (e.g., regarding public service needs) from those on which the text*
40 *or boundary was based;*

41
42 Since the Monroe County Comprehensive Plan's adoption in 1992 (based on the 1980
43 census data), the comprehensive plan and census data projected an even increase in future
44 population through the entire county. The KLLCP (Key Largo Livable CommuniKeys
45 Plan) addresses the need during this growth period to protect and enhance local
46 community roots, while protecting local environmental resources. This application
47 embodies the conclusions of the KLLCP; it replaces the single family residential (3 lots)
48 adjacent to and fronting the Overseas Highway corridor with viable commercial and

1 mixed class residential along a corridor of existing and prescribed suburban commercial
2 development. The application for a LUD amendment and re-zoning conforms to all the
3 goals of the KLLCP. The change will allow development that is compatible with the
4 goals of the KLLCP by protecting and enhancing local community life and minimizing
5 the impact on Monroe County's environmental resources.
6

7 The combined lots on Overseas Highway (U.S.-1) will not require any additional access
8 on their frontage. The development will take advantage of two existing access points; i.e.
9 N. End Road and Garden Cove Drive, and create an interconnect between them allowing
10 the abandonment of an existing undeveloped alley way to increase proper access traffic
11 flow outside of the Overseas Highway. Even in the comprehensive plan, single family
12 residential lot development was not properly addressed as single families and cars on a
13 corridor road do not mix. It should be noted that within the nearby vicinity of the subject
14 property, no other residential properties exist along the Overseas Highway (U.S.-1) right
15 of way other than Adam's Cut at approximately MM 103/104.
16

17 With the adoption of the KLLCP and the tier system, shifting in the planning
18 philosophies along the Overseas Highway (U.S.-1) corridor in areas of infill and meeting
19 the "neighborhood communities" criteria including the provisions for a "walkable
20 community" reducing area trip generation, this rezoning and LUD amendment should be
21 positively accepted.
22

23 The County will require all parcels to be combined into one developable lot at the time of
24 site plan approval. This will, combined with the fact that the individual lots themselves
25 are not large enough to support any mixed development, avoid individual lot sell-off and
26 guarantee proper development as envisioned by the KLLCP. It should be noted that, not
27 only will a Florida Department of Transportation (FDOT) curb cut for additional access
28 not be sought from the FDOT, the FDOT will not grant one except under the current
29 single lot configuration.
30

31 ii. *Changed assumptions (e.g., regarding demographic trends);*
32

33 The prescribed use of "mixed use development" per the KLLCP is an effective way of
34 dealing with new growth issues in this part of the Keys vs. that of the Monroe County
35 Comprehensive Plan designating this property as residential medium. Allowing Mixed
36 Use/Commercial (MC) LUD designation for this property creates a balance of
37 environmental concerns; needs for housing in general, and fills a void for affordable
38 housing. The allowance of this rezoning and LUD amendment will serve as an
39 enhancement to the surrounding area and the gateway to the Keys.
40

41 iii. *Data errors, including errors in mapping, vegetative types and natural features described*
42 *in Volume 1 of the Monroe County Year 2010 Comprehensive Plan;*
43

44 The IS land use designation for the subject parcels that are being proposed for rezoning to
45 SC and LUD amendment to MC is an obvious example of Key Largo residents' and
46 planning staff concerns that the KLLCP for the area recommends a mixed use that
47 provides workforce housing and a light commercial retail area where local residents can
48 feel comfortable in an aesthetically pleasing environment. The IS designation given to

1 the parcels was probably a part of a "package" designation requested by the developer of
2 Ocean Isle Estates. The nature of the designation and factors leading to the designation
3 are better addressed by Monroe County planning officials who have easy access to
4 records pertaining to the Ocean Isle development.
5

6 A portion of the Ocean Isle Estates subdivision currently includes a commercial fishing
7 village supported by the marina and restaurant currently owned by the Applicant. The
8 existing IS land use designation supports the Applicant's requested use for the subject
9 property. Often, when broad brush comprehensive plans are quickly established at the
10 beckoning of the state, pockets of unique development are often caught up by the basic
11 underlying land use and not the specific character of the existing development or
12 proximity to major thoroughfare related issues.
13

14 The KLLCP goes into great detail about the deficiencies of the existing LUD. Under the
15 heading of Goal 1 of the KLLCP, the narrative describes the tendency of the Monroe
16 County Comprehensive Plan to have "down-zoned" many of the properties adjacent to
17 Overseas Highway (U.S.-1). The narrative then goes on to state that through the changed
18 conditions and new information that has been brought forth since the Comprehensive
19 Plan's adoption in 1986, it is now the goal of the County and the Community to restore
20 the commercial use status along this corridor. Certainly, that is what the amendment of
21 the LUD to MC and rezone to SC would accomplish for the subject property.
22

23 iv. *New issues;*

24 Over time, since the Buzzard's Roost Marina and Restaurant first opened more than 30
25 years ago, the majority of the surrounding neighborhood has been built or has become a
26 "fishing village" with the marina at its core. The neighborhood is supported to some
27 extent with commercial development bordering Overseas Highway (U.S.-1), commercial
28 fishing, special district, mixed use commercial and improved subdivision. Through the
29 recommendations in the KLLCP, the proposed LUD amendment to MC and rezoning to
30 SC enhances the surrounding uses, the adjacent "fishing village" and serves as a light
31 commercial/residential buffer from Overseas Highway (U.S.-1), blending into the other
32 residential uses. With the ability to develop the property as a SC development, retail in
33 support of the existing Village atmosphere could be built. The purpose of the existing IS
34 district is to protect legally vested residential development rights to owners of lots in
35 subdivisions that were established prior to the comprehensive plan. While existing plats
36 at the time of the comprehensive plan development may have justified the IS designation,
37 a closer review of the surrounding area indicates a strong correlation to the Suburban
38 Commercial (SC) districts listed as to establish or conserve areas of commercial/mixed
39 uses, and preserve these as areas representative of the character, economy and cultural
40 history of the Florida Keys. The Applicant believes his request for rezoning to SC and
41 LUD amendment to MC will hold to this test and will assist with the integration of the
42 overall local neighborhood culture.
43

44 v. *Recognition of a need for additional detail or comprehensiveness*

45
46 The proposed KLLCP to the Monroe County Comprehensive Plan establishes new
47 priorities for detailed review for comprehensiveness regarding local communities in Key
48 Largo. The consensus goals identified in the KLLCP are met by the implementation of

1 the Applicant's re-zoning and LUD amendment request as illustrated below. It is
2 specifically noted in the KLLCP, Strategy 1.3, action item 1.3.7 (b) that commercial
3 conformance status be preserved within the sections along the Overseas Highway (U.S.-
4 1) corridor. Although it is not a part of this application, it is suggested that Monroe
5 County would pursue a change of zone and LUD designation for the remaining Ocean
6 Isle lots fronting Overseas Highway (U.S.-1) to achieve a condition that is consistent with
7 the goals of the KLLCP for the remaining lots adjacent to Overseas Highway (U.S.-1).
8 The applicant is currently making an effort to contact the adjacent owners within Ocean
9 Isle estates to gain their support in the rezoning and LUD amendment for the parcels
10 along the Overseas Highway (U.S.-1) right of way.

11
12 **STAFF RESPONSE:**

13 Staff finds the proposed land use district change, in accordance with MCC Sec. 102-
14 158(d)(5)b, consistent with subsections 'new issues' and 'recognition of a need for additional
15 detail or comprehensiveness'.

16
17 On June 2, 2009, the BOCC adopted an ordinance amending a FLUM change on three (3)
18 parcels (RE numbers 00538170.000000, 00538180.000000, and 00538190.000000) from
19 Residential Medium (RM) to Mixed Use / Commercial (MC). The current land use
20 district designation of Improved Subdivision (IS) is currently inconsistent with the Mixed
21 Use / Commercial (MC) FLUM designation. Upon BOCC adoption of the proposed land
22 use district amendment of Suburban Commercial (SC), the LUD will become consistent
23 with the current FLUM designation of MC.

24
25 ***C. Goals, Strategies and Action Items from the Key Largo Livable CommuniKeys Plan that***
26 ***directly pertain to the proposed development***

27
28 **APPLICANT RESPONSE:**

29 The following is a response by the applicant on ten (10) out of the eleven (11) goals located
30 in the Key Largo Livable CommuniKeys Plan (KLLCP), pertaining to the proposed LUD
31 amendment.

32
33 **Land Use and Redevelopment**

34 ***Consensus Goal 1: Direct future growth to lands that are most suitable for development and***
35 ***encourage preservation of environmentally sensitive lands.***

36
37 The Applicant's property is in an optimal location for rezoning to SC and LUD
38 amendment to MC in that it affords upscale commercial, keeping with the fishing village
39 appearance of the Keys to create a showcase at the entrance of Key Largo. The SC zone
40 also allows a mix of residential above the commercial predominantly in support of
41 affordable housing related back to the Buzzard's Roost Marina & Restaurant staff
42 housing needs as well as housing needs in general. The proposed rezoning and LUD
43 amendment also eliminates single family housing units directly abutting a congested area
44 of the Overseas Highway as well as removing the possibility of any new access points
45 along Overseas Highway (U.S.-1). This is all accomplished without any detriment to any
46 environmentally sensitive lands, and if anything, through proper stormwater treatment
47 facilities, will improve the environmental status quo over single family residential
48 construction on existing platted lots.

1 Community Character

2 *Consensus Goal 2: Preserve and enhance important community qualities within the planning*
3 *area that define Key Largo's casual village style atmosphere and natural environment and*
4 *that enhance its status as the first island of the Florida Keys.*

5
6 As studied previously, the Applicant believes that the rezoning to SC and LUD
7 amendment to MC will not only fit into the surrounding existing development but will
8 enhance the "village style" atmosphere as a gateway view into Key Largo. The proposed
9 development will provide an immediate visual enhancement over the existing 3 scarified
10 lots.

11
12 *Consensus Goal 3: Protect and enhance historic, cultural and archeological resources*
13 *within Key Largo to maintain the integrity of the community's unique character.*

14
15 While the proposed development neither enhances historic or archeological resources, it
16 does protect and enhance cultural aspects of the community while maintaining and
17 enhancing the community's unique character; village style construction, i.e. residential
18 over commercial.

19
20 Housing

21 *Consensus Goal 4: Maintain the availability of affordable housing and workforce housing*
22 *for local residents while preserving the character of the community.*

23
24 The client's incentive toward providing some workforce housing units in the project is
25 driven by the needs of his own staff at Buzzard's Roost Restaurant and Garden Cove
26 Marina, just blocks away from the site. The rezoning to SC and LUD amendment to MC
27 allows significantly needed workforce housing to be built.

28
29 Environmental Protection

30 *Consensus Goal 5: Preserve, manage, and restore where appropriate, the natural resources*
31 *within the planning area by providing open space, protecting water quality and acquiring*
32 *and managing environmentally sensitive lands.*

33
34 Given that the lots have been in their existing scarified state for such a long time, along
35 with the required on-site stormwater treatment the project will provide, the request meets
36 the environmental protection goal of the KLLCP.

37
38 Economic Development

39 *Consensus Goal 6: Encourage redevelopment and infill development that supports and*
40 *enhances the tourist based economy of the planning area.*

41
42 The request meets the economic development goal encouraging infill development while
43 enhancing the tourism based economy. This will be accomplished with portions of the
44 commercial business associated back to the Buzzard's Roost Restaurant and Garden
45 Cove Marina, additional island retail and a mix of workforce housing as previously
46 stated.

1 *Consensus Goal 7: Recognize water-dependent and water-related commercial uses as an*
2 *important source of economic sustainability within the planning area.*

3
4 As this goal recognizes the need to support water-dependent and water related
5 commercial uses, the proposed rezoning and LUD amendment will allow for the
6 development of both support services for the Buzzard's Roost Restaurant and Garden
7 Cove Marina as well as commercial development over the subject properties.

8
9 Transportation

10 *Consensus Goal 8: Provide residents and visitors of the planning area with a safe and*
11 *useable transportation system for vehicles, bicycles and pedestrians with opportunities for*
12 *transit systems where appropriate.*

13
14 Workforce housing located within the subject property would enable residents the ability
15 to walk to work at either the nearby existing commercial/retail developments or the
16 proposed commercial developments that would be feasible with the change to the SC
17 zone and MC LUD designation. As stated by the KLLCP, developments that promote
18 pedestrian activity are encouraged, and it would be desirable to decrease the need for
19 additional trips, possibly congesting the Overseas Highway (U.S.-1). The approval of the
20 requested SC (designation) rezoning and LUD amendment to MC will require joining of
21 all 3 lots, potentially eliminating an additional access point to the Overseas Highway.

22
23 Recreation

24 *Consensus Goal 9: Provide additional resources for enhancement of existing facilities,*
25 *expansion of active and passive land-based recreation opportunities and seek to expand*
26 *public shoreline access for water-based recreational activities for all age groups within the*
27 *community.*

28
29 The proposed rezoning to SC and LUD amendment to MC will allow the development of
30 a portion of the project to serve as support for the Buzzard's Roost Restaurant and
31 Garden Cove Marina thereby enhancing areas for water based activities.

32
33 Community Facilities

34 *Consensus Goal 10: Provide adequate public facilities to serve the existing and future needs*
35 *of the planning area.*

36
37 Public facilities are adequate to support the rezoning to SC as well as the LUD
38 amendment to MC that have been requested. The Applicant has satisfied the consensus
39 goals identified in the KLLCP. Approval of the LUD amendment to MC and rezoning to
40 SC will only net a positive effect on the upper Key Largo area.

41
42 STAFF RESPONSE:

43 Three (3) of the ten (10) goals in the Key Largo Livable CommuniKeys Plan are consistent
44 with the proposed LUD amendment. They are:

45 *Goal 1: Direct future growth to lands that are most suitable for development and*
46 *encourage preservation of environmentally sensitive lands;*

47 *Goal 6: Encourage redevelopment and infill development that supports and enhances*
48 *the tourist based economy of the planning area; and*

1 *Goal 10: Provide adequate public facilities to serve the existing and future needs of the*
2 *planning area.*

3
4 The three (3) parcels are scarified and undeveloped. The land is suitable for future
5 development. The proposed amendment will not draw on any environmentally sensitive
6 lands. The proposed LUD amendment will encourage infill of the subject's parcels Tier
7 III land.

8
9 Monroe County's 2008 Public Facilities Capacity Assessment Report indicates there is
10 adequate capacity for potable water, solid waste, transportation, parks and recreation in
11 this area. On Cross Key (MM 106), the level of service (LOS) is rated "E." This is due to
12 construction on the new high-level bridge. Once the bridge construction is complete, the
13 LOS will most likely return to normal. All new development must comply with County,
14 State and Federal regulations.

15
16 D. *Consistency with the Principles for Guiding Development in the Florida Keys Area of*
17 *Critical State Concern pursuant to F.S. Chapter 380.0552(7)* For the purposes of reviewing
18 consistency of the adopted plan or any amendments to that plan with the principles for
19 guiding development and any amendments to the principles, the principles shall be construed
20 as a whole and no specific provision shall be construed or applied in isolation from the other
21 provisions.

- 22 (a). To strengthen local government capabilities for managing land use and
23 development so that local government is able to achieve these objectives
24 without the continuation of the area of critical state concern designation.
- 25 (b). To protect shoreline and marine resources, including mangroves, coral reef
26 formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- 27 (c). To protect upland resources, tropical biological communities, freshwater
28 wetlands, native tropical vegetation (for example, hardwood hammocks and
29 pinelands), dune ridges and beaches, wildlife, and their habitat.
- 30 (d). To ensure the maximum well-being of the Florida Keys and its citizens
31 through sound economic development.
- 32 (e). To limit the adverse impacts of development on the quality of water
33 throughout the Florida Keys.
- 34 (f). To enhance natural scenic resources, promote the aesthetic benefits of the
35 natural environment, and ensure that development is compatible with the
36 unique historic character of the Florida Keys.
- 37 (g). To protect the historical heritage of the Florida Keys.
- 38 (h). To protect the value, efficiency, cost-effectiveness, and amortized life of
39 existing and proposed major public investments, including:
- 40 1. The Florida Keys Aqueduct and water supply facilities;
41 2. Sewage collection and disposal facilities;
42 3. Solid waste collection and disposal facilities;
43 4. Key West Naval Air Station and other military facilities;
44 5. Transportation facilities;
45 6. Federal parks, wildlife refuges, and marine sanctuaries;

7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.
- (i). To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.
 - (j). To make available adequate affordable housing for all sectors of the population of the Florida Keys.
 - (k). To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
 - (l). To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

STAFF RESPONSE:

The subject parcels are vacant and cleared. There are no natural resources on the three (3) parcels. The parcels are located on U. S. 1 and are adjacent to a variety of other mixed uses. Staff finds the proposed LUD amendment consistent with the Principles for Guiding Development as a whole and not inconsistent with any one principle.

D. Impact on Community Character:

MCC §102-158 maintains that amendments may not permit an adverse change in community character. The character of the immediate vicinity includes open space, mixed use and residential. The applicant's parcels are located at MM 106 and U.S. 1 south of the U.S. 1 and U.S. 905 split on the ocean side. A convenience store is located at the split and miscellaneous low to medium intensity retail stores are located in the surrounding area. Single-family residences are located along North End and Garden Cove Road. A few of the U. S. 1 parcels in this area are vacant and overgrown. The proposed land use map (LUD) amendment does not constitute an adverse change in community character.



Local Use Compatibility

The U.S. 1 corridor is Suburban Commercial (SC).

The land use designations of parcels to the east include Improved Subdivision (IS), Mixed Use (MU) and Commercial Fishing (CFA) districts. The parcels to the south have land use designations of Sub Urban Residential (SR) and Native Area (NA). The parcels to the north are owned by the State of Florida. The parcels across U. S. 1 have land use designations of Urban Residential Mobile Home (URM) and Native Area (NA). The proposed land use map (LUD) amendment is compatible with the local use.

Density and Intensity

The proposed LUD amendment from IS to SC will allow the following maximum nonresidential land use densities and intensities:

Improved Subdivision (IS)			
Land Use Intensity			
Land use	Floor Area Ratio (FAR) Maximum	Size of Site (20% O.S.R. has been deducted)	Approximate Maximum ft ² Allowed
Commercial Retail:			
Low Intensity	0.25	16,992	4,248
Medium Intensity	0.20	16,992	3,398
Office	0.25	16,992	4,248

Sub Urban Commercial (SC) LUD Designation			
Land Use Intensity			
Land use	Floor Area Ratio (FAR) Maximum	Size of Site (20% O.S.R. has been deducted)	Approximate Maximum ft ² Allowed
Commercial Retail:			
Low Intensity	0.35	16,992	5,947
Medium Intensity	0.25	16,992	4,248
High Intensity	0.15	16,992	2,549
Office	0.40	16,992	6,797
Commercial Recreational	0.10	16,992	1,699
Institutional	0.30	16,992	5,098
Outdoor Recreational	0.10	16,992	1,699
Public Buildings and uses	0.30	16,992	5,098
Light Industrial	0.30	16,992	5,098

Detached dwellings of all types are a permitted use in the Improved Subdivision (IS) land use district. Vacation rentals are prohibited. Commercial retail of low- and medium intensity and office uses of less than 2,500ft² of floor area are permitted with a major conditional use.

Commercial retail, low- and medium intensity and office uses of less than 2,500ft² of floor area, institutional residential uses with less than ten (10) dwelling units, commercial apartments with less than six (6) dwelling units, commercial recreational and institutional uses, public buildings and uses, accessory uses, storage areas, and vocational rental uses are permitted uses in the SC land use district.

1 The size of the subject parcels are approximately 21,240ft². Deducting the 20% open
2 space ratio (O.S.R.), the buildable site is reduced to approximately 16,992ft². The
3 Improved Subdivision (IS) land use district permits between 3,398ft² and 4,248ft² of
4 commercial floor area. The Suburban Commercial (SC) land use district allows
5 between 1,699ft² and 5,947ft² of commercial floor area.
6

7 The maximum residential density for the Improved Subdivision (IS) land use district
8 is one (1) unit per lot. In the Suburban Commercial (SC) land use district between
9 ten (10) and fifteen (15) hotel rooms, between five (5) and twenty (20) institutional
10 rentals and ten (10) recreational rentals are permitted. However, the institutional and
11 recreational rentals include recreational vehicle or campground spaces. These are
12 considered transient uses. Transient uses are defined as a hotel or motel room,
13 seasonal residential unit, or space for parking a recreational vehicle or travel trailer.
14 Currently, there is a moratorium on transient uses. In July 2009, Monroe County
15 amended and transmitted to DCA, Comprehensive Plan Policy 101.2.6 extending the
16 moratorium on transient units. The proposed policy will be going back to the Board
17 of County Commissioners for an adoption hearing sometime in November 2009.
18

19 The proposed policy states "Monroe County shall adopt Land Development
20 Regulations which prohibit new transient residential units including hotel or motel
21 rooms, campground spaces, or spaces for parking a recreational vehicle or travel
22 trailer until the average annual occupancy rate exceeds 90% as evidenced by the
23 Tourist Development Council annual trend report of Monroe County Occupancy
24 rates, at which time the Permit Allocation System shall allocate ten percent (10%) of
25 annual residential market rate allocations to transient units."
26
27

28 Local Traffic, Parking and Circulation

29 U. S. 1 on Cross Key (MM 106-112.5) is
30 located at the split of U. S. 1 and S.R. 905,
31 north of the three (3) parcels. This stretch of
32 road has a level of service (LOS) "E"
33 indicating that the LOS exceeded the 5% trip
34 allocation allowed. The draw bridge across the
35 Jewfish Creek was replaced with a fixed high
36 level bridge bringing the LOS rating down to
37 an "E". Once the construction is complete,
38 travel speeds and level of service for this area
39 are most likely to improve. The local
40 neighborhood roads have been well
41 maintained. The proposed LUD amendment
42 may affect local traffic and parking, but not
43 significantly.
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61 Effects on Natural Resources

62 Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall
63 direct future growth to lands which are intrinsically most suitable for development
64 and shall encourage conservation and protection of environmentally sensitive lands.
65 Future development would be required to comply with all Monroe County Code,

1 State and Federal environmental regulations. Because the subject property consists of
2 cleared undeveloped lots, no additional clearing is anticipated. Effects on natural
3 resources are not anticipated.
4

5 Effects on Public Facilities

6 Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* requires the
7 County to direct future growth away from environmentally sensitive land and towards
8 established development areas served by existing public facilities. The proposed
9 LUD amendment will not affect Objective 101.11 and will encourage development to
10 remain on disturbed lands rather than encroaching on environmentally sensitive area.
11

12 Solid Waste

13 Monroe County has a solid waste haul out contract with Waste Management Inc.,
14 which authorizes the use of in-state facilities through September 20, 2016, thereby
15 providing the County with approximately eight (8) years of guaranteed capacity. The
16 proposed land use map (LUD) amendment may affect solid waste, but not
17 significantly.
18

19 Potable Water

20 The average daily water demand is expected to slightly increase to 16.28 MGD over
21 last year's of 16.02 MGD due to water shortage/drought conditions/water restriction
22 and water conservation efforts. The construction of new water supply wells and a
23 reverse osmosis water treatment facility provides an additional capacity of 6.0 MGD.
24 The reverse osmosis desalination plant provides an additional 3.0 MGD of water for
25 additional capacity. Staff feels if or when the parcels are developed potable water
26 levels may be affected, but not significantly.
27

28 Stormwater

29 Staff feels if or when the parcels are developed, stormwater runoff will result from
30 this land use map (LUD) amendment. The applicant's properties, although in Tier
31 III, are scarified but have not been developed. MCC Section 114-3, titled '*Surface*
32 *Water Management Criteria*', establishes guidelines and criteria for the safe
33 management and disposal of stormwater runoff from developed areas that will
34 minimize or eliminate any resultant adverse impacts on the surface water,
35 groundwater, and other natural resources of the county. Any change in the use of the
36 property must comply with State and Federal regulations as well as the Monroe
37 County Code, the Monroe County Comprehensive Plan and the Livable
38 CommuniKeys Plans.
39

40 Effects on Redevelopment/Infill Potential

41 Currently, the Buzzard's Roost sign stands on the subject parcels. The subject's
42 parcels are in Tier III. Tier III is appropriate for infill development because of the
43 location and amount of existing development in the areas designated and the absence
44 of significant upland native habitat patches.